

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
October 9<sup>th</sup>, 2007, at 7:00 P.M.

**MINUTES**

(The record reflects this meeting was continued to this date due to lack of a quorum on October 4<sup>th</sup>, 2007.)

The meeting was called to order with Roll Call by Mayor David Anderson.

Roll Call:	Cannon	Present	Maniez	Present
	Drennon	Present	Morse	Present
	Templin	Present		

Mayor Anderson led the Pledge of Allegiance. Citizens signed the book on page 102.

Motion by Councilman Maniez to amend the Agenda to move Executive Session forward to Item 3. A., after the Chamber/EDC report; second by Templin.

All Council approved by "ayes".

Consent Agenda Items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action.

1. Consent Agenda:
  - a. Approve Minutes of the Council Meeting of September 20<sup>th</sup>, 2007.
  - b. Approve Pay Ordinance No. 578.

Motion by Councilwoman Templin to approve the Consent Agenda; second by Drennon.

Roll Call:	Cannon	Yes	Maniez	Yes
	Drennon	Yes	Morse	Yes
	Templin	Yes		

Motion carried.

2. Call to Public:

"Members of the public are welcome to use this time to comment about any matter relating to City business that is not listed on this Agenda. The comments that are discussed under Call to Public may or may not be acted upon by the Council during this meeting. **There is a four-minute time limit.** Please stand and wait to be recognized by the Mayor."

No one appeared.

3. Chamber / EDC Report: Sara Ritter, Executive Director, said several citizens are attending the downtown symposium in Hutchinson, Kansas, on Wednesday. She said Mayor Anderson appears in "*Ingram's*" magazine this month in articles discussing downtown revitalization. There are 39 teams signed up for the BBQ Contest. There are some top-notch teams coming to De Soto for this weekend's contest. Mrs. Ritter said the "*De Soto Advantage*" is going to the printer soon. There is much updated information in this new brochure. She shared the good news De Soto took first place at the Chamber Day at the Speedway this year and raised \$900 for the Chamber.

3. A. Executive Session:

Motion by Councilman Maniez to go into Executive Session at 7:10 p.m. for attorney-client privilege and land acquisition for 20 minutes, to return at 7:30 p.m.; and invite Pat Guilfoyle into the session; second by Templin.

All Council approved by "ayes".

Councilman Maniez requested an extension to 7:40 p.m.

Motion by Councilman Maniez to return from Executive Session at 7:45 p.m., with one extension, and only the two items stated were discussed and no votes were taken; second by Cannon.

All Council approved by "ayes".

Motion by Councilwoman Templin to authorize staff to spend up to \$25,000 for land acquisition; second by Cannon.

Roll Call:	Cannon	Yes	Maniez	Yes
	Drennon	Yes	Morse	No
	Templin	Yes		

Motion carried.

4. Old Business:

- a. Consider Resolution Authorizing Tax Abatement for Airtex Building.

Motion by Councilman Maniez to table this item to the October 1st Council meeting; second by Templin.

All Council approved by "ayes".

5. New Business:

- a. Consider Resolution Authorizing Riverfront Project Including the Scope and Cost of Project. Mayor Anderson recapped the events of the past year leading up to the review and development plan for a riverfront park. He further explained the funding and the Capital Improvement Program. The City hired Indigo Design to develop a master plan for a riverfront park. There are three options for Phase I of the park. Administrator Guilfoyle said Phase I would be the only improvement over the next five years. He stated the Council needs to decide if they want to proceed with the park; and if so, then consider the options to pursue and the cost.

Administrator Guilfoyle provided a power point presentation for the Council's consideration of this project and the options with their associated costs. A stage and security lighting would provide a concert and festival area which would be a great draw to the City and bring people off of K-10 into the City to attend outdoor concerts and events. He detailed the three options and the potential funding for the phases. Administrator Guilfoyle said he attended the County's Park and Recreation Board meeting yesterday and they are recommending the County give De Soto the \$57,000 in County grant funds from the sand reparation fund, as the City's project meets the criteria for a river project. The County feels the City's plan could be used as a model.

Discussion by Mayor Anderson and Council members regarding the options and the funding. Administrator Guilfoyle provided a timeline for the downtown streetscape of the Revitalization Plan. He further discussed a federal grant program that he and Engineer Brungardt have been reviewing. If the City should request a 50/50 grant participation plan, there is a very good chance that 50% grant would be available. Administrator Guilfoyle continued his discussion of the downtown revitalization plan and the CIP in light of the potential of a 50/50 grant.

Councilwoman Templin asked about the \$207,400 that was moved into the downtown revitalization plan. Councilman Drennon said Option A of doing it half-way wasn't the way to go; he said he would like to go with Option B and not be embarrassed when people did come. He doesn't feel it hurts the City to move the funds from the downtown revitalization at this point. Discussion by Mayor Anderson and Administrator Guilfoyle on the downtown revitalization plan and the funding.

Administrator Guilfoyle discussed the timing of the CIP program and the three-year process for the downtown revitalization process. By transferring the money, it will not slow down the plan for revitalization. The grant application will be submitted by November 7<sup>th</sup>. If the City is given the grant, it will allow the City to do all of the construction and be ready to move forward in 2009. The grant application is for 50% of the construction costs. Discussion by Engineer Brungardt on the grant.

Councilwoman Templin said she wants to see a reason to get people off of K-10 and into De Soto. She would like to see Option B approved. She discussed the grant possibilities with Administrator Guilfoyle. Comments from Gina Riekhof, the City's bond counsel, regarding the funding.

Councilman Maniez said he is not convinced this park is a great idea, and is even more convinced the money should stay for downtown improvements. If the Council is convinced, then the money should be taken from the electric utility fund for the park. He said the downtown plan needs to be left intact and improved. Downtown is a draw, too, and it shouldn't be left to wither down. He stated money has been spent for a downtown plan, and we should stay with it. He doesn't want to destroy a plan for downtown. Councilman Maniez said to take the park money from the electric fund for the park. Discussion between Councilmen Maniez and Drennon.

Mayor Anderson said there should be some clarification and discussed the Council moving money from the downtown plan to the park plan. What happens when this money is being moved back and forth? Administrator Guilfoyle said over the three year time period, there will be less money spent. He suggested that it will take most of 2008 to do the master plan. Council and City Administrator discussion on the funding amounts for the downtown plan and the riverfront park plan, and how the grant funds would affect the projects' costs.

Councilman Morse said he is still negative; the park idea is a bad idea. He said this is the lowest piece of ground in the west bottoms. Who is going to take care of and maintain this park. There are a lot of expenses in maintaining a park. Councilman Morse said there are a lot of people in this town who do not want this park. He is absolutely against it.

Councilwoman Cannon said she is leaning to Option A and including the stage and security lighting, and not all the way to Option B. She said this would give us an idea of who would be interested in using the park. Discussion by Administrator Guilfoyle that Option B will allow for the De Soto Days and larger festivals to be held at the riverfront park. Council discussion.

Discussion ensued by Mayor Anderson and Councilman Maniez on the high cost of a shelter house at \$160,000 each. Mayor Anderson said he feels the stage does need to be included. Discussion by Mayor Anderson that this is the starting point and the park has to be linked to the downtown. He feels the funding of Option B is affordable, with the grant sources and the possibility of private funding.

Councilwoman Templin said if Option A is approved, the park will not be used in the same manner as Option B, since Option B would have the improvements necessary to hold the festival events. Further discussion by Administrator Guilfoyle on the comments that were discussed at the County Park and Recreation Board meeting. The County people feel that a natural walking trail along the river to Widow Big Knife is something they would like to start working toward, and the park could be a model.

Mayor Anderson said he does agree with Councilman Morse that there will be expenses to maintain the park. Councilman Morse said there will have to be increased security as people are used to riding their four-wheelers all over the area.

Discussion by Gina Riekhof, the City's bond counsel, in the amendments that would need to be made to the draft documents for the authorization of the riverfront project financing. Mayor Anderson and Administrator Guilfoyle discussed the language of the resolution authorizing the improvements. Staff will make the revisions.

Motion by Councilwoman Templin to approve Resolution No. 801 to complete Phase I, Option B, of the overall improvement of the Riverfront Park in an amount not to exceed \$676,159, and staff be authorized to adjust Section 1 to match the requirements of Option B; second by Drennon.

Administrator Guilfoyle said that, regardless of what is decided on the park, the brush site area has some question of ownership. In doing a title search, it is not conclusive in whether or not the BNSF owns it or the City owns it. The railroad is willing to deed the property to the City in exchange for the permanent closing of the Corliss Road at-grade crossing. Discussion by Attorney Reavey on the title search.

Roll Call:	Cannon	Yes	Maniez	No
	Drennon	Yes	Morse	No
	Templin	Yes		

Motion carried.

Councilman Morse said that when the boat ramp was put in, there were many contractors who worked for free and donated their materials and time. He asked if those contractors could be given a special opportunity to get the jobs and be paid. Discussion.

- b. Consider resolution authorizing sale of temporary notes in a maximum principal amount of \$465,000. Bond Counsel Riekhof said the monetary amount would need to be revised to an estimated amount of the new project scope to include all the financing costs and note issuance costs. She is requesting the amount be adjusted to an amount up to \$730,000 par amount for the bond issuance costs.

Discussion by Councilwoman Templin, Bond Counsel, and the Financial Advisor regarding the costs.

Motion by Councilwoman Templin to approve Resolution No. 802 Authorizing the Offering For Sale of General Obligation Temporary Notes in an Estimated Cost to be Financed in a maximum amount of \$730,000; second by Drennon.

Roll Call:	Cannon	Yes	Maniez	No
	Drennon	Yes	Morse	No
	Templin	Yes		

Motion carried.

- c. Consider Ordinance adopting the 2006 Individual Private Sewage Disposal Code. Engineer Brungardt discussed the revision to the City's Code, and referred to his staff memo to the Council dated September 28, 2007. There are some modifications staff has requested to this Code, and the Ordinance does reflect these modifications. Engineer Brungardt discussed the acreage size for the minimum septic system requirement. The Sub-Committee discussed the minimum acreage size and Engineer Brungardt commented on the easements and rights-of-way in the minimum acreage requirement.

Discussion by Councilman Drennon on the acreage size. He asked if the Planning Commission wanted to change the requirement size, does this request come back before the Council. Engineer Brungardt discussed the Septic System Ordinance and the fact the Planning Commission cannot change an ordinance. An ordinance has to come before the City Council before any changes can be made.

Motion by Councilwoman Templin to approve Ordinance No. 2178, Amending Article 7 of Chapter XV of the City Code Relating to Adoption of the 2006 International Private Sewage Disposal Code; second by Drennon.

Roll Call:	Cannon	Yes	Maniez	Yes
	Drennon	Yes	Morse	Yes
	Templin	Yes		

Motion carried.

- 6. Executive Session: (This item was moved forward to Item 3.A.)

- 7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said the new tornado siren is up. He said several Chamber members and he will be out of town Wednesday and Thursday, attending a conference on downtown revitalization in Hutchinson.

Administrator Guilfoyle said Lloyd Weldon will be here at the next meeting to discuss the refuse program and the new trash cans proposed.

- b. City Attorney, Patrick Reavey, had no report.

- c. City Engineer, Mike Brungardt, said he has two Planning Commission items. The Planning Commission is considering an update to the map for the 95<sup>th</sup> Street corridor from Lexington Avenue east to Waverly Road. There will be public participation and input; however, the Planning Commission has requested a joint meeting with the Council to get Council's direction and input on how to proceed with the land use plan. The Planning Commission would like to start the process by the first of the year.

The Planning Commission has identified some gateway areas coming into the City. The Planning Commission would like to arrive at some general design standards for

each of those gateway areas so that when development happens, there would be a plan for these areas. There is a sub-committee reviewing this and they would like one member of the City Council to be a part of this sub-committee on the gateway.

Mayor Anderson said there should be a Council liaison for the Planning Commission. He asked who would like to work on this. Councilwoman Templin said she will work on the Gateway Sub-Committee. Mayor Anderson asked about an hour meeting with the Planning Commission prior to a Council meeting. Discussion. Council will meet at 5:30 p.m. at the November 1<sup>st</sup> Council meeting.

Engineer Brungardt said next Tuesday there will be an open house to kick off some public involvement for the downtown streetscape project. He has sent letters to property owners along the downtown street area.

Discussion on the mill and overlay project and the millings are being used on other City streets.

- d. City Planner, Linda Bohnsack, was not present.
- e. City Clerk, Lana McPherson, said she appreciated the opportunity to attend the LKM Conference. Mayor Anderson stated Lana was also elected to serve as President of the Kansas Municipal Insurance Trust Board for the next year.

8. Council & Mayor Comments:

Council members Cannon, Morse, Maniez and Templin had no comments

Councilman Drennon asked about the Planning Commission agenda for this month. Engineer Brungardt said the Arbor Ridge Final Development Plan for Phase II would be on the Agenda.

Mayor Anderson had nothing further.

Motion by Councilwoman Templin to adjourn at 9:05 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

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Lana R. McPherson, MMC  
City Clerk